IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA

V. Case No. 4:15-cr-00483

JAMES BURKE,

DEFENDANT

DEFENDANT JAMES BURKE'S UNOPPOSED MOTION FOR DISCOVERY

TO THE HONORABLE ALFRED H. BENNETT:

The Defendant in the above styled and numbered cause, James Burke, under Rule 16 of the Federal Rules of Criminal Procedure, respectfully moves the Court for an order directing the government to provide the Defendant discovery items necessary for counsel for the Defendant to prepare for trial of this matter. In support of this motion, James Burke would show the Court as follows:

I.

Pursuant to Rule 16, Federal Rules of Criminal Procedure, James Burke, Defendant hereby requests that the government:

a. disclose to the Defendant the substance of any oral statement made by the Defendant, before or after arrest, in response to interrogation by a person the Defendant knew was a government agent if the government intends to use the statement at trial;

b. disclose to the Defendant and make available for inspection, copying, or photographing the following:

(i) any written or recorded statement by the Defendant;

(ii) the portion of any written record containing the substance of any oral statement made before or after arrest if the Defendant made the statement in response to interrogation by a person the Defendant knew was a government agent; and,

(iii) the Defendant's recorded testimony before a grand jury related to the charged offense;

c. furnish the Defendant a copy of the Defendant's prior criminal record that is within the government's possession, custody, or control;

d. permit the Defendant to inspect and to copy or photograph books, papers, documents, data, photographs, tangible objects, buildings or places, or copies or portions of any of these items if the item is within the government's possession, custody, or control and:

(i) the government intends to use the item in its case-in-chief at trial; or

(ii) the item was obtained from or belongs to the Defendant;

e. permit the Defendant to inspect and copy or photograph the results or reports of any physical or mental examination and of any scientific test or experiment if the item is within the government's possession, custody, or control;

f. provide the Defendant a written summary of any testimony that the government intends to use under Rules 702, 703, or 705 of the Federal Rules of Evidence during its case-in-chief at trial; and

g. provide the Defendant any items or access to any items requested herein that the government discovers subsequent to the date of this request.

The Defendant hereby requests that the government disclose to the Defendant any evidence of the Defendant's character it intends to introduce at trial.

The Defendant hereby requests that the government disclose to the Defendant any sentencing guideline calculation material used by the government to calculate the appropriate sentence if the Defendant is found guilty as charged.

II..

Counsel for the Defendant conferred with Assistant United States Attorney Kim Leo about this motion on 12/04/2015. The government is not opposed to this motion.

James Burke prays that the Court enter an order directing the government to comply with this Motion for Discovery in its entirety.

Respectfully Submitted,

/s/ Mark Diaz

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Attorney for the Defendant,
James Burke

CERTIFICATE OF SERVICE

I certify that a true and exact copy of the Defendant James Burke's Motion for Discovery was hand delivered to Kim Leo, Assistant United States Attorney on the 4th day of December, 2015.

/s/ Mark Diaz

Mark Diaz